

City of Huntington Beach Planning and Building Department

STAFF REPORT

TO:

Planning Commission

FROM:

Scott Hess, AICP, Director of Planning and Building

BY:

Jill Arabe, Associate Planner

DATE:

September 23, 2014

SUBJECT:

CONDITIONAL USE PERMIT NO. 13-036 - APPEAL (MacArthur Group

Commercial Building)

APPELLANT: Planning Commissioner Edward Pinchiff

APPLICANT: Jeff Bergsma, Team Design, 221 Main Street, Suite S, Huntington Beach, CA 92648

PROPERTY

OWNER:

MacArthur Group LLC, Tristan Harris, 4040 MacArthur Blvd., Suite 250, Newport

Beach, CA 92660

LOCATION:

16001 Bolsa Chica St., 92649 (southwest corner of Edinger Ave. and Bolsa Chica St.)

STATEMENT OF ISSUE:

- Conditional Use Permit (CUP) No. 13-036 request:
 - Construct a 3,700 square foot, single-story commercial building on a 0.45 net acre vacant site consisting of a 2,300 square foot, 24-hour convenience store with offsite alcohol sales and 1,400 square foot eating and drinking establishment with outdoor dining in conjunction with the sales and consumption of alcoholic beverages.
- Staff's Recommendation:

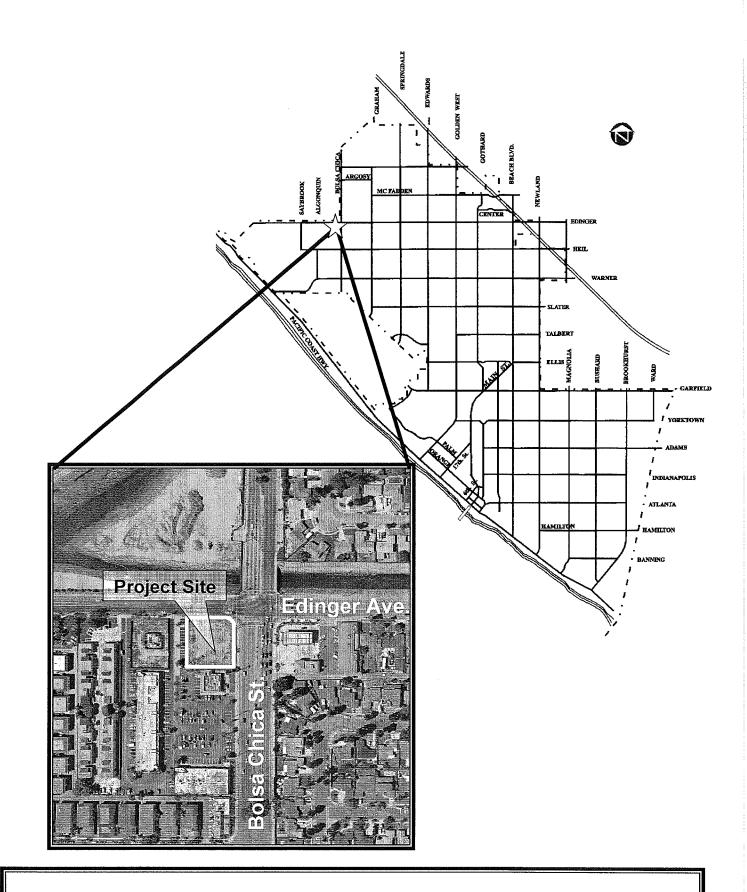
Approve CUP No. 13-036 based upon the following:

- Redevelopment of the vacant site would visually improve the neighborhood.
- It is compatible with surrounding commercial and residential uses.
- Adequate vehicular and pedestrian circulation would be provided with the adjacent commercial
- The proposed uses, as conditioned, restrict proposed operating hours and minimize potential impacts to noise-sensitive uses.
- It is consistent with the General Plan and zoning designations.

RECOMMENDATION:

Motion to:

"Approve Conditional Use Permit No. 13-036 with findings and suggested conditions of approval (Attachment No. 1)."



VICINITY MAP
CONDITIONAL USE PERMIT NO. 13-036
(MACARTHUR GROUP COMMERCIAL BUILDING —16001 BOLSA CHICA ST.)

The Planning Commission may take alternative actions such as:

- A. "Approve Conditional Use Permit No. 13-036 with findings and suggested modified conditions of approval." (Applicant's Request 24 hour convenience store)
- B. "Continue Conditional Use Permit No. 13-036 and direct staff accordingly."
- C. "Deny Conditional Use Permit No. 13-036 with findings for denial."

PROJECT PROPOSAL:

<u>Conditional Use Permit No. 13-036</u> represents a request to construct a 3,700 square foot, single-story commercial building consisting of a 2,300 square foot, 24-hour convenience store with offsite alcohol sales and a 1,400 square foot eating and drinking establishment with outdoor dining in conjunction with the sales and consumption of alcoholic beverages pursuant to Section 211.04 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

Zoning Administrator Action:

The project was considered by the Zoning Administrator at a public hearing on July 16, 2014. Staff gave an overview presentation on the project and the applicant and property owner representative gave verbal testimony in support of the project. Comments at the hearing were received from residents and business owners in the vicinity who spoke in opposition, citing concerns with proposed 24-hour operations, the proposed 7-Eleven business within close proximity of other 7-Eleven businesses, and potential crime, traffic, and noise activities associated with businesses serving alcohol. Four written comments opposing the project were also submitted with similar concerns.

The Zoning Administrator approved the request based on the following:

- limited hours of operation for the convenience store from 6:00 a.m. to 2:00 a.m. daily
- restricted alcohol sales and consumption consistent with Police Department recommendations
- compatibility with the neighborhood and similar commercial uses
- compliance with the zoning development standards and General Plan objectives and policies.

Appeal:

The Zoning Administrator's action on Conditional Use Permit No. 13-036 was appealed by Planning Commissioner Pinchiff (Attachment No. 3) to allow the PC to review the appropriateness of the CUP, particularly because the written public comments included a petition signed by several residents in the vicinity opposing the development.

ISSUES:

Subject Property and Surrounding Land Use, Zoning and General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CG-F1 (Commercial	CG (Commercial General)	Vacant
	General – 0.35 Max. Floor		
	Area)		
North (across Edinger	Seal Beach	Seal Beach	County Flood
Ave.) of Subject Property:			Channel/ Seal
			Beach Naval
			Weapons
			Station
East (across Bolsa Chica	CN-F1 (Commercial	CG	Commercial
St.) of Subject Property:	Neighborhood – 0.35 Max.		
	Floor Area)		
South and West of Subject	CG-F1	CG	Commercial
Property:			Parking
			Lot/Vacant

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is Commercial General. The proposed project is consistent with the Land Use Element designation on the subject site, including the following objective and policies:

<u>Objective LU 10.1</u>: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

<u>Policy LU 10.1.15</u>: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

<u>Policy LU 10.1.12</u>: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

The proposed project is a small commercial development located within close proximity of existing commercial and residential uses. The site layout provides adequate onsite circulation for vehicles and pedestrians and as conditioned, reciprocal access with the adjacent shopping center. It will visually improve the character of the area by constructing an architecturally compatible single-story commercial development with enhanced landscaping and upgraded sidewalk improvements. The proposed uses are neighborhood serving and conveniently accessible to local residents and visitors in the vicinity. The ancillary use of alcohol sales to a convenience store and eating and drinking

establishment is appropriate when it is surrounded by similar commercial uses and when existing residential uses are adequately buffered from the proposed use.

Zoning Compliance:

The project is located within the Commercial General district and complies with the requirements including minimum onsite parking, building height, setbacks, and landscaping. The table below shows an overview of the project's conformance to the development standards. In addition, a list of City Code Requirements of the applicable provisions of the HBZSO and Municipal Code has been provided to the applicant (Attachment No. 4) for informational purposes only.

Development Standard	Required	Proposed
Minimum Lot Area	10,000 sq. ft.	19,406 sq. ft. (net)
Minimum Lot Width	100 ft.	140 ft.
Minimum Setbacks		
- Front (Edinger)	50 ft.	79 ft.
- Side	0 ft.	3 ft.
- Street Side (Bolsa Chica)	10 ft.	70 ft.
- Rear	0 ft.	0 ft.
Maximum Height of Structures	50 ft.	21 ft.
Minimum Site Landscaping	8%	23%
Off-Street Parking	19 spaces	22 spaces

Urban Design Guidelines Conformance:

The proposed project is in substantial conformance with the Urban Design Guidelines, Chapter 4 (General Commercial). The architectural design of the new building is contemporary and incorporates a combination of building offsets, materials, and colors. Street frontages are enhanced with landscaping, decorative paving at entrances, and convenient parking for patrons. Pedestrian paths are adequately separated from vehicular drive aisles for safe access to the building from the public sidewalks. As conditioned, the commercial development considers the scale and character of the neighborhood and improves the vacant site with a functional site layout.

Environmental Status:

The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project involves the construction of a new commercial building not exceeding 10,000 square feet in floor area on a site zoned for such use.

Coastal Status: Not applicable.

Design Review Board: Not applicable

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Police, Public Works, Fire, and Planning and Building have reviewed the project and identified a list of recommended conditions that are incorporated into the suggested conditions of approval as well as code requirements (Attachment No. 4).

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on September 11, 2014, and notices were sent to property owners of record and tenants within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, appellant, and interested parties. As of September 16, 2014, no additional communication supporting or opposing the revised request has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

May 27, 2014

July 26, 2014 (within 60-days)

Conditional Use Permit No. 13-036 was originally filed on December 18, 2013. The applicant submitted revised plans on April 24, 2014, and the project was deemed complete on May 27, 2014. The Zoning Administrator acted on the application on July 16, 2014, in compliance with mandatory processing. Conditional Use Permit No. 13-036 was subsequently appealed on July 28, 2014 (Attachment No. 3).

ANALYSIS:

The 0.45 net acres subject site has remained vacant for over 10 years. It was previously a gas station and requires soil remediation for redevelopment of the site. The proposed construction of a commercial building is consistent with the land use designation of commercial on the subject property. The new building will consist of a convenience market and eating and drinking establishment (with 12 seats or less) and ancillary outdoor dining area. Associated site improvements will occur including changes to existing driveways, upgrades to curb, gutter, sidewalks, dedication for street widening, and installation of landscaping and parking for the new building. The following is an analysis of the site layout and circulation, land use compatibility, and response to previously received public comments.

Site Layout and Circulation

The site has vehicular access points from Edinger Avenue and Bolsa Chica Street. The building is proposed at the southwest corner of the property with the parking lot designed along the street frontage. As conditioned, the proposed driveway into the site from Edinger Avenue is required to be removed upon acceptance of reciprocal and shared driveway access by the adjacent property. Improved vehicular circulation will be provided when the subject site and adjacent commercial site can utilize the same existing driveway from Edinger Avenue and customers could conveniently drive between properties. At this time, the adjacent property owner has not granted reciprocal and shared driveway access.

Landscaping and trees are proposed along the street frontage to help screen the parking lot. Required parking is provided onsite based on the proposed uses. In addition, pedestrian access is suitably coordinated from the public sidewalk to the building without impacting vehicular access.

Land Use Compatibility

The subject site, as proposed, is an ideal location for neighborhood oriented commercial services. It is within close proximity of other commercial uses and supporting residential uses. The single story commercial building is also compatible and similar to other commercial uses in the area. It is oriented towards the arterial streets and business operations will primarily occur indoors with the exception of the outdoor dining area for the eating and drinking establishment (closing at 10:00 p.m.). As conditioned, proposed uses are not anticipated to generate significant impacts related to noise, safety, or traffic. The site is also located more than 120 feet from residential uses. The residential uses are buffered by a combination of streets, flood control channel, buildings, and parking lots which will minimize any potential impacts on the noise-sensitive uses.

Public Comments

Staff received a total of five written comments opposing the development. One of the written comments was a petition signed by over 400 residents/business owners opposing the project citing concerns including numerous liquor licenses in the vicinity, potential for crime and noise pollution with a 24-hour business operation, commercial duplication of same goods and services, and the corporate/franchise store (i.e., 7-Eleven) populating the neighborhood. In order to minimize concerns with the 24-hour operation, a condition of approval is suggested to limit the hours of operation for the convenience store from 6:00 a.m. to 2:00 a.m. daily. Additionally, staff has worked with the Police Department to apply several conditions on the proposed uses including: restricting the sale of alcohol to beer and wine only, controlling the container size of alcoholic beverages for off-site sales, installing adequate video surveillance cameras, posting signs prohibiting loitering and onsite consumption of alcohol beyond the building and outdoor dining area, preventing the use of the outdoor dining area between 10:00 p.m. and 7:00 a.m., and installing sufficient lighting around the building and within the parking lot.

Although several 7-Eleven stores may exist in the vicinity, a specific business or tenant is not prohibited from expanding to a property that is suitably zoned to permit their use. The zoning code defines permitted land uses and does not prohibit specific businesses or corporations from locating on commercially zoned property.

SUMMARY:

Staff recommends approval of Conditional Use Permit No. 13-036 with findings and suggested conditions of approval based on the following:

- Redevelopment of the vacant site would visually improve the neighborhood.
- It is compatible with surrounding commercial and residential uses.
- Adequate vehicular and pedestrian circulation would be provided with the adjacent commercial center.
- The proposed uses, as conditioned, restrict proposed operating hours and minimize potential impacts to noise-sensitive uses.

- It is consistent with the General Plan and zoning designations.

ATTACHMENTS:

- 1. Suggested Findings and Conditions of Approval
- 2. Site Plan dated July 18, 2014, Floor Plans and Elevations dated June 24, 2014
- 3. Appeal Letter received and dated July 28, 2014
- 4. Code Requirements Letter dated June 10, 2014 (for informational purposes only)
- 5. Zoning Administrator Notice of Action dated July 17, 2014
- 6. Public Comments received by September 16, 2014

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ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 13-036

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project involves the construction of a new commercial building not exceeding 10,000 square feet in floor area on a site zoned for such use.

<u>SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 13-036:</u>

- 1. Conditional Use Permit No. 13-036 for the construction of a 3,700 sq. ft. commercial building consisting of a 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The development will improve an existing vacant lot and provide additional commercial services in the vicinity. The proposed commercial uses are similar to surrounding existing uses. Potential noise generated by the uses will not exceed existing noise levels and will comply with the City's Noise Ordinance. The nearest residential uses in the vicinity are located more than 120 feet from the property to the southeast and are buffered by the arterial streets, flood control channel, and parking lots. Furthermore, the layout of the site provides adequate onsite circulation for pedestrians and vehicles and as conditioned, appropriate reciprocal access with the adjacent commercial center. The proposed alcohol use as conditioned will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and will be consistent with the subject property's zoning.
- 2. The 3,700 sq. ft. commercial building consisting of a 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages will be compatible with surrounding uses because the project consists of commercial uses similar to those found in the vicinity. Alcohol sales is ancillary to the retail use and eating and drinking establishment and will not generate significant impacts related to parking, traffic, or noise above existing conditions. The site is physically separated from noise sensitive uses by streets, flood control channel, and parking lots and located more than 120 feet away from residential uses with building entrances oriented to the streets. The proposed single-story building features an architectural tower element for the convenience store entrance and enhanced building features include a flat roof with parapet walls and cornice treatment, steel canopies and columns to break up the façade massing, variable façade offsets and material changes, and a stone base at the pedestrian scale.
- 3. The 3,700 sq. ft. commercial building consisting of a 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in

conjunction with the sale and consumption of alcoholic beverages will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with the development standards in terms of minimum onsite parking, building height, setbacks, and landscaping. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project and as conditioned, provides reciprocal access with the adjacent commercial center.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

<u>Objective LU 10.1</u>: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

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B. <u>Urban Design Element</u>

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

The proposed building incorporates architectural treatments consistent with the City's Design Guidelines including a tower element at the corner of the building, variable offsets to break up the building massing, steel canopies and columns to enhance the façades, and a combination of materials and colors. Decorative paving is proposed at the driveway entrance and pedestrian crossings with drive aisles to provide a traffic calming effect and improved site design. Landscape planters adjacent to the street frontages and distributed throughout the site help screen the parking lot and enhance the visual image of the environment.

SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 13-036:

- 1. The site plan received and dated July 18, 2014, and floor plans, and elevations received and dated June 24, 2014, shall be the conceptually approved design with the following modifications:
 - a. A three feet wide landscape planter (including the two feet overhang for parking stalls) and minimum four feet wide walkway shall be provided to the north of the convenience store between the parking spaces (#1-5) and the building.
 - b. The driveway off Edinger Avenue shall be removed and the required landscape planter and appropriately dimensioned parking spaces shall be constructed between parking spaces #21 and #22.
 - c. The gate doors or fencing serving the temporary resource extraction enclosure along the west property line shall not encroach over the property line unless authorization from the adjacent property owner is provided.
 - d. The elevations shall incorporate a combination of the following modifications subject to review and approval by the Planning and Building Department:
 - i. The primary color of the building shall be a lighter shade of gray than depicted on the colors and materials board dated April 24, 2014.
 - ii. The metal storefront shall be painted black or a darker color.
 - iii. The wainscot shall incorporate more gray hues.
 - e. Parking space #6 shall be removed so as not encroach within the required fire lane.
 - f. The floor plans and elevations shall be revised to be consistent with the layout change per the revised site plan.
 - g. The plans shall be revised to reflect the correct building square footage and net parcel size.
- 2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to and across the street within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Division.
- 3. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1 and Code Requirements, shall be submitted for review, approval, and inclusion in the entitlement file, to the Planning Division.

- b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Building shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
- c. A reduced copy of the approved site plan and processing fee shall be submitted to the Planning Division for addressing of the new suites.
- 4. Prior to issuance of building permits, the following shall be completed:
 - a. Detailed landscaping plans complying with HBZSO Chapter 233 shall be submitted to the Planning Division for review and approval.
 - b. The subject property shall provide an irrevocable reciprocal driveway access easement between the subject site and adjacent westerly property as depicted on the approved plans. The subject property shall be responsible for making necessary improvements to implement the reciprocal access. The legal instrument shall be submitted to the Planning Division prior to building permit issuance. The document shall be approved by the Planning Division and City Attorney as to form and content and, when approved, shall be recorded with the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - c. If the adjacent westerly property owner does not agree to the terms and provisions of joint and reciprocal access, Condition No. 1b shall not apply and driveway access from Edinger Avenue may continue with appropriate improvements subject to approval by the Planning Division and Public Works Department. The subject property shall enter into an irrevocable offer for future reciprocal access and shared entry between the subject site and adjacent westerly property. Language in the irrevocable offer agreement shall indicate that the subject property owner will close the subject site's driveway access from Edinger Avenue with appropriate improvements in the event that the adjacent westerly property owner accepts the offer. The legal instrument shall be submitted for review and approval by the Planning Division and the City Attorney as to form and content, and when approved, recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval.
- 5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:
 - a. All existing overhead 12kV electrical distribution and various communication lines along the Edinger Avenue and Bolsa Chica Street frontages shall be undergrounded. In lieu of compliance with this project condition, a fair-share fee, in the amount of \$55,000 shall be paid to the City of Huntington Beach Public Works Department. (PW)

- b. All improvements are completed in accordance with approved plans, except as provided for by conditions of approval.
- c. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.
- d. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
- e. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
- f. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
- 6. Signage shall be reviewed under separate permits and applicable processing.
- 7. The uses (eating and drinking establishment, outdoor dining, and convenience store) shall comply with the following:
 - a. Unless approved by a subsequent entitlement, the eating and drinking establishment shall be limited to a maximum of 12 seats within the interior of the suite; and the outdoor patio area shall not exceed a maximum of 20% of the indoor area or 400 sq. ft., whichever is less.
 - b. The convenience store shall be limited to a maximum of 10% of the floor area devoted to sales, display, and storage of alcoholic beverages (beer and wine).
 - c. The daily hours of operation shall be limited as follows:

i. Convenience store:

6:00 a.m. to 2:00 a.m.

ii. Eating and Drinking Establishment:

7:00 a.m. to 2:00 a.m.

1. Outdoor dining:

7:00 a.m. to 10:00 p.m.

- d. Truck deliveries to all businesses shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., Monday through Friday, and 9:00 a.m. to 10:00 p.m., Saturday and Sunday.
- e. Prior to the sales, service or consumption of alcoholic beverages for the eating and drinking establishment and outdoor dining area, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning and Building Department for the entitlement file. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
- f. All alcoholic beverages shall be limited to within the interior of the eating and drinking establishment and the fenced outdoor dining area. (PD)

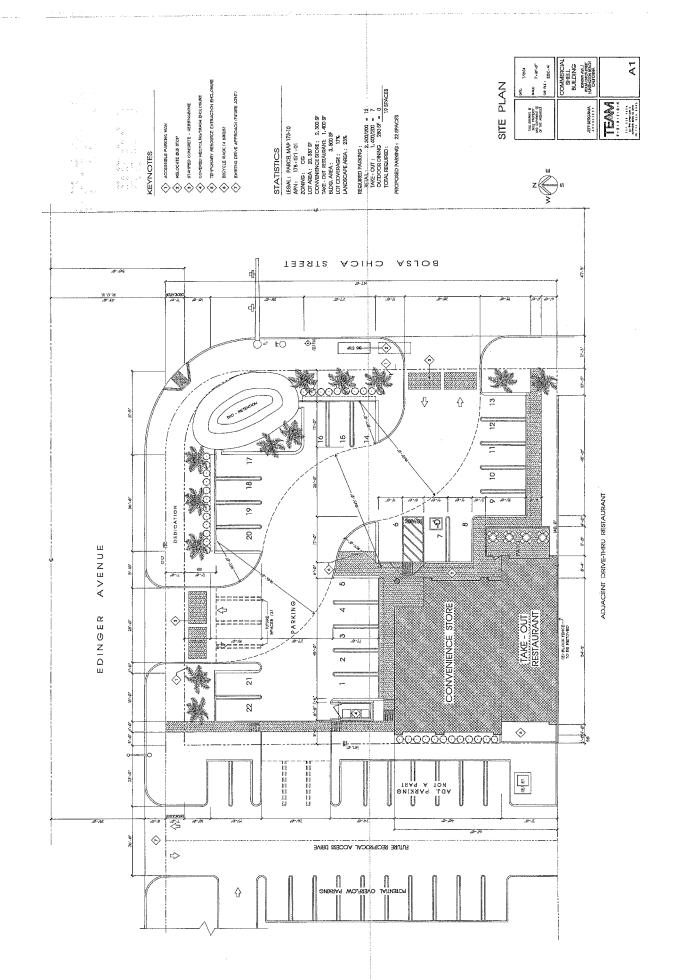
- g. Service of alcoholic beverages for consumption off-site shall be prohibited beyond the eating and drinking establishment and outdoor dining area. (PD)
- h. Within the eating and drinking establishment and outdoor dining area, the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. (PD)
- i. Dancing and entertainment shall be prohibited unless approved by a conditional use permit.
- j. Food service from the regular menu shall be available from the time the eating and drinking establishment opens to the public, until at least one hour prior to the scheduled closing time. (PD)
- k. No loitering shall be permitted within the vicinity of any entrances and exits and in the parking lot at any time. **(PD)**
- 1. The patio area shall have only one entry/exit point. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." (PD)
- m. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. (PD)
- n. No dining or consumption of alcoholic beverages shall be permitted within the outdoor patio area between the hours of 10:00 p.m. and 7:00 a.m. (PD)
- o. The patio area shall be sufficiently illuminated to permit the identification of patrons. (PD)
- p. The eating and drinking establishment's use conditions listed herein shall be clearly posted on the premises at all times.
- q. Prior to the sales of alcoholic beverages, the convenience store shall obtain an ABC License authorizing off sale alcohol sales. The business shall be limited to a Type 20 (Off Sale Beer and Wine) ABC License. (PD)
- r. The display or sale of the following items shall be prohibited:
 - i. Wine or distilled spirits in containers of less than 750 milliliters.
 - ii. Malt beverage products with alcohol content greater than five and one-half percent by volume.
 - iii. Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years.
 - iv. Beer or malt liquor sold individually in containers of 40 ounces or less.
 - v. Containers of beer or malt liquor not in their original factory packages of six-packs or greater.

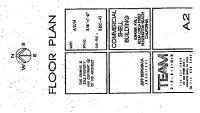
- vi. Distilled spirits in bottles or containers smaller than 375 milliliters.
- vii. Cooler products, either wine or malt beverage based, in less than four-pack quantities. **(PD)**
- s. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and discern the appearance and conduct of all persons on or about the parking lot. **(PD)**
- t. "No Loitering" and "No Open Container" signs shall be affixed and clearly visible on the north and west sides of the building. (PD)
- u. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. (PD)
- v. Both businesses shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. (PD)
- w. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. (PD)
- 8. The owner or owner's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
- 9. CUP No. 13-036 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
- 10. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

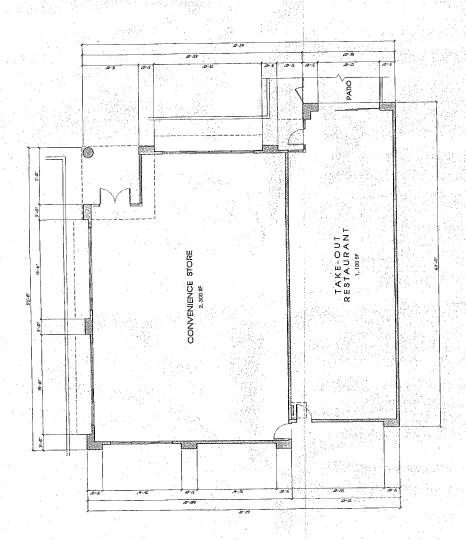
11. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems http://www.builditgreen.org/green-building-guidelines-rating).

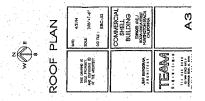
INDEMNIFICATION AND HOLD HARMLESS CONDITION:

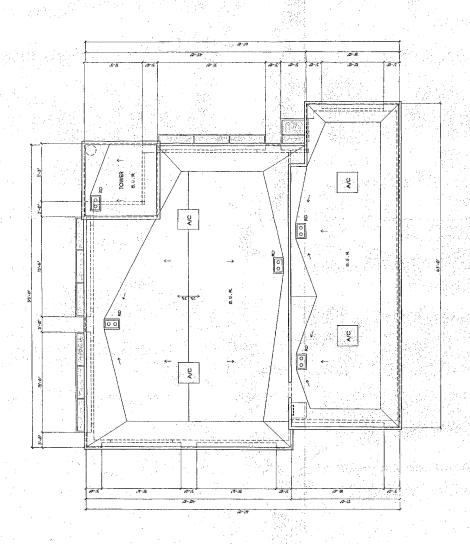
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

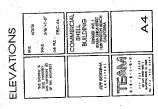


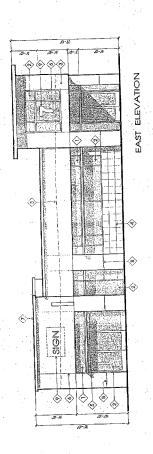


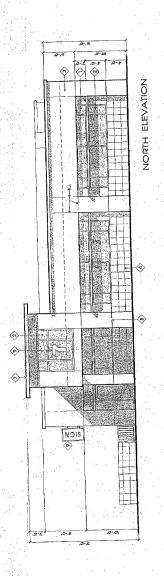




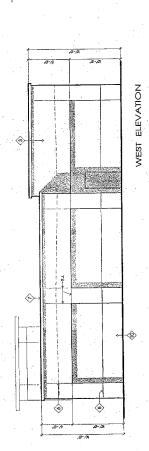


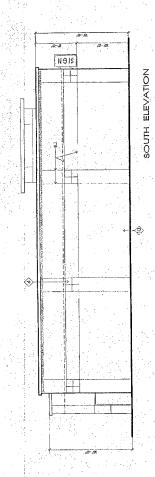












James, Jane

From:

Ed Pinchiff [landuse@edwardpinchiff.com]

Sent:

Monday, July 28, 2014 3:27 PM

To:

James, Jane; Hess, Scott

Subject:

Appeal of the Zoning Administrator's Approval of Conditional Use Permit 13-036 (MacArthur

Group Commercial Building)

I hereby appeal the Zoning Administrator's Approval of Conditional Use Permit 13-036 (MacArthur Group Commercial Building).

The Zoning Administrator conditionally approved the application on July 16, 2014. The primary reason for my appeal is to give the Planning Commission the opportunity to review the appropriateness of the Conditional Use Permit, particularly given the community opposition which included a written petition from over 400 residents.

The proposed project includes the development of a vacant parcel with the construction of a 3,700 sq. foot commercial building consisting of a 24 hour, 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages. The parcel is located at 16001 Bolsa Chica Street, 92649 (southwest corner of Edinger Avenue and Bolsa Chica Street).

Ed Pinchiff Planning Commissioner City of Huntington Beach

RECEIVED

JUL 28 2014

ept. o. r. emmig & Suilding



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division 714.536.5271

Building Division 714.536.5241

June 10, 2014

Jeff Bergsma 221 Main Street, Suite 5 Huntington Beach, CA 92648

SUBJECT:

CONDITIONAL USE PERMIT NO. 13-036 (MACARTHUR GROUP RETAIL

BUILDING) - 16001 BOLSA CHICA STREET

PROJECT IMPLEMENTATION CODE REQUIREMENTS

Dear Applicant,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Zoning Administrator. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at jarabe@surfcity-hb.org or 714-374-5357 and/or the respective source department (contact person below).

Sincerely,

Jill Arabe

Associate Planner

Enclosures

CC:

Khoa Duong, Building Division – 714-872-6123
James Brown, Fire Department – 714-374-5344
Bob Milani, Public Works Department – 714-374-1735
Jane James, Planning Manager
MacArthur Group LLC, 4040 MacArthur Blvd, Suite 250, Newport Beach, CA 92660
Project File



HUNTINGTON BEACH BUILDING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:

May 05, 2014

PROJECT NAME:

MacArthur Group Building

ENTITLEMENTS:

Conditional Use Permit No. 13-036

PROJECT LOCATION:

16001 Bolsa Chica St., 92649 (southwest corner of Edinger Ave. and Bolsa

Chica St.)

PROJECT PLANNER:

Jill Arabe, Associate Planner

PLAN REVIEWER:

Khoa Duong, P.E.

TELEPHONE/E-MAIL:

(714) 872-6123 / khoa@csgengr.com

PROJECT DESCRIPTION:

To permit the construction of an approximately 3,500 sq. ft. building consisting of a 2,300 sq. ft. convenience store with alcohol sales, and a 1,100 sq. ft. take-out restaurant with 220 sq. ft. outdoor dining area in

conjunction with the sales and consumption of alcohol.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated **April 24, 2014**. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

I. SPECIAL CONDITIONS:

Development Impact Fees will be required for new construction.

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

- Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2013 California Building Code (CBC), 2013 California Mechanical Code (CMC), 2013 California Plumbing Code (CPC), 2013 California Electrical Code (CEC), 2010 California Energy Code, 2013 California Green Building Standards and The Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
- 2. Provide building code analysis including type of construction, allowable area and height, occupancy group requirements, exterior wall ratings per Chapter 5 and 7 of 2013 CBC.
- Provide Building Data Show:
 - Type of building construction
 - · Occupancy groups
 - Building with or without fire sprinkler system

- 4. Provide compliance to disabled accessibility requirements of Chapter 11B of CBC.
 - Site, accessible path of travel, etc.
 - Accessible parking stalls.
- 5. Provide egress plan Show:
 - Proposed occupant load in each tenant space along with occupant load factors.
 - For occupant load of 50 or more, the required exit doors must be swung in the direction of travel.
 - All exterior exit doors must be accessible to disabled persons. Identify on Site plan the exit
 paths of travel from required exit doors to the public way along with maximum slope of 5%; and
 cross slope of 2%.
- 6. Review and provide compliance with Title 17 of the City of Huntington Beach Municipal Code, Building and Construction. This document can be found online on the city's website.
- 7. For projects that will include multiple licensed professions in multiple disciplines, i.e. Architect and professional engineers for specific disciplines, a Design Professional in Responsible Charge will be requested per the 2013 CBC, Section 107.3.4.
- 8. In addition to all of the code requirements of the 2013 California Green Building Standards Code, specifically address Construction Waste Management per Sections 4.408.2, 4.408.3, 4.408.4, 5.408.1.1, 5.408.1.2, and 5.408.1.3 and Building Maintenance and Operation, Section 5.410. Prior to the issuance of a building permit the permitee will be required to describe how they will comply with the sections described above. Prior to Building Final Approval, the city will require a Waste Diversion Report per Sections 4.408.5 and 5.408.1.4.

III. COMMENTS:

- 1. Planning and Building Department encourage the use of pre-submittal building plan check meetings.
- 2. Separate Building, Mechanical, Electrical and Plumbing Permits will be required for all exterior accessory elements of the project, including but not limited to: fireplaces, fountains, sculptures, light poles, walls and fences over 42" high, retaining walls over 2' high, detached trellises/patio covers, gas piping, water service, backflow anti-siphon, electrical, meter pedestals/electrical panels, swimming pools, storage racks for industrial/commercial projects. It will be the design professional in charge, responsibility to coordinate and submit the documents for the work described above.
- Provide on all plan submittals for building, mechanical, electrical and plumbing permits, the Conditions of Approval and Code Requirements that are associated with the project through the entitlement process. If there is a WQMP, it is required to be attached to the plumbing plans for plan check.

RECEIVED

MAY 02 2014

Dept. of Planning & Building



HUNTINGTON BEACH FIRE DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:

MAY 2ND, 2014

PROJECT NAME:

CONVENIECE STORE / RESTAURANT BAR, MIXED-USE

ENTITLEMENTS:

PA NO. 2013-003, CUP NO. 13-036 (MAC ARTHUR GROUP)

PROJECT LOCATION:

16001 BOLSA CHICA, HUNTINGTON BEACH, CA

PLANNER:

JILL ARABE, ASSOCIATE PLANNER

TELEPHONE/E-MAIL:

(714) 536-5357/ jarabe@surfcity-hb.org

PLAN REVIEWER-FIRE:

James Brown, Fire Protection Analyst

TELEPHONE/E-MAIL:

(714) 374-5344, jbrown@surfcity-hb.org

PROJECT DESCRIPTION:

To permit the construction of an approximately 3,500 sq. ft, building

consisting of a 2,300 sq. ft. convenience store with alcohol sales, and a 1,100 sq. ft. take-out restaurant with 220 sq. ft. outdoor dining area in conjunction with the

sales and consumption of alcohol.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated APRIL 24TH, 2014. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. The review comments below are not to be construed as being all inclusive. The project is required to comply with all of the adopted Building, Fire, and Municipal Codes in effect at the time of grading and building plan submittal for permit issuance. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: JAMES BROWN, FIRE PROTECTION ANAYLST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

The following items shall be completed prior to precise grading plan or building plan approval.

A separate Fire Master Plan is required for submittal to the HBFD. It shall be a site plan reflecting all the following fire department related items:

- > Fire hydrant locations, public and private.
- > FDC locations.
- Dimensions from FDC's to hydrants.

- DCDA locations.
- Fire sprinkler riser locations.
- FACP locations.
- > Knox box and knox switch locations.
- > Gate locations, if required.
- > Fire lane locations, dimensions, lengths, turning radii at corners and circles/cul-de-sacs.
- > Fire lane signage and striping.
- > Property dimensions or accurate scale.
- Building locations and heights.
- Building addresses and suite addresses. (FD)

Environmental

The following items shall be completed prior to rough or precise grading plan approval.

FORMER GAS STATION OR UST SITE (Underground Storage Tanks)

Methane Mitigation Requirements. Due to the proposed location of construction and former site use as a gasoline station, soil gas testing for methane gas is required. A methane sample plan shall be submitted to the fire department for review and approval, prior to the commencement of sampling.

If methane gas is discovered in the soil, the following City Specification would be applicable and the grading, building, and methane plans must reference that a sub-slab methane barrier and vent system will be installed per City Specification # 429, *Methane District Building Permit Requirements* prior to plan approval. Additional methane mitigation measures may be required by the fire department.

Methane safety measures per *City Specification # 429, Methane District Building Permit Requirements* shall be detailed on a separate sheet titled "METHANE PLAN" and two copies submitted to the Fire Department for review and approval. **(FD)**

City Specification # 431-92 Soil Clean-Up Standards testing is required. Based on site characteristics, suspected soil contamination, proximity to a producing/abandoned oil well, or Phase I, II, or III Site Audit, soil testing conforming to City Specification # 431-92 Soil Clean-Up Standards is required.

All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards prior to the issuance of a building permit. Building plans shall reference that "All soils shall conform to City Specification # 431-92 Soil Clean-Up Standards" in the plan notes.

"Soil Testing".

- A soil testing plan conforming to *City Specification #431-92 Soil Clean-Up Standards* shall be submitted and approved by the Fire Department.
- All soils shall conform to City Specification #431-92 Soil Clean-Up Standards, and testing results must be submitted, and approved by the Fire Department prior to issuance of a grading or building permit.
- Reference that all soils, whether native or imported, shall be in compliance with City Specification #431-92 Soil Clean-Up Standards in the plan notes. (FD)

NOTE: This site has a long record of contamination on GeoTracker. As such, a complete Phase 2 work plan proposal will need to be submitted to the HBFD for review and approval prior to any grading or utility plan approval. See also the notes below about RAP. (FD)

Discovery of soil contamination/pipelines, etc., must be reported to the Fire Department immediately and an approved remedial work plan submitted. **(FD)**

Remediation Action Plan. If soil contamination is identified, the applicant must provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach *City Specification #431-92, Soil Cleanup Standard.* Upon remediation action plan approval, a rough grading permit may be issued. **(FD)**

Imported Soil Plan. All imported soil shall meet City Specification #431-92, Soil Cleanup Standards. An "Imported Soil Work Plan" must be submitted to the Fire Department for review and approval prior to importing any soil from off site. Once approved, the soil source can be sampled per the approved work plan, then results sent to the HBFD for review. No rough grade will be approved prior to the actual soil source approval. Multiple soil sources required separate sampling as per the approved work plan, with no soil being imported until each source has been verified to meet the CS #431-92 requirements. (FD)

Proof of OCHCA Site Closure or Corrective Action Plan. Removal of flammable or combustible liquid underground storage tanks (UST) requires the applicant to submit one of the following to the Huntington Beach Fire Department:

• An approved Orange County Health Care Agency UST Site Closure Letter, or

 Provide an Orange County Health Care Agency UST Corrective Action Plan and written permission for co-existence.

If OCHCA requires on-going remediation and co-existence with the proposed development is permissible, a copy of the approved Orange County Health Care Agency plan and written permission for co-existence must be submitted in order to obtain Huntington Beach Fire Department approval. Each site will be evaluated on an individual basis. **(FD)**

Vapor Extraction Treatment Equipment and Areas. If soil remediation equipment is required as outlined in the Orange County Health Care Agency UST Corrective Action Plan, all equipment shall conform to City Specification # 431, Oil Field Gas Fired Appliances — Stationary and Portable, City Specification # 434, Gas Station Remediation Requirements, and the Huntington Beach Oil Code and Building Codes. (FD)

Fire Apparatus Access

The following items shall be completed prior to rough or precise grading plan approval.

Fire Access Roads shall be provided and maintained in compliance with City Specification # 401, Minimum Standards for Fire Apparatus Access. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24') wide, with thirteen feet six inches (13' 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26') wide, with thirteen feet six inches (13' 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 Minimum Standards for Fire Apparatus Access on the plans.

Fire Access Road Turns and Corners shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 Minimum Standards for Fire Apparatus Access. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 Minimum Standards for Fire Apparatus Access on the plans.

NOTE: The plans provided do not have enough information to determine if the fire lane corners are compliant. Corner dimensions must comply with CS #401, 17' inner radius / 45' outer radius. (FD)

Fire Lanes, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 26 foot wide fire apparatus access road or supplemental fire

access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance on the plans.

Fire Protection Systems

The following items shall be completed prior to issuance of a certificate of occupancy.

Fire Hydrant is required. A new public hydrant must be located on the west side of Bolsa Chica Street, approximately 25 feet south of the northeast corner of the property, and portrayed on the site plan. Hydrant shall be installed and in service **before** combustible construction begins. Installation of hydrant and service mains shall meet all HB Public Works Standards and HBFD City Specification # 407 Fire Hydrant Installation requirements. Maximum allowed velocity of fire flow in supply piping is 12 fps. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments. **(FD)**

Automatic Fire Sprinklers are required if the following occurs. NFPA 13 Automatic fire sprinkler systems are required per the California Fire Code for buildings with an A-2 occupancy that exceeds a 100 occupant load. Separate plans (two sets) shall be submitted to the Fire Department for permits and approval. Fire Code standards can be found in City Specification #420. (FD)

Fire Alarm system is required if the following occurs. All fire sprinkler systems with greater than 20 heads require a dedicated function fire alarm system in compliance with the CFC and NFPA 72. Occupant loads over 300 in an assembly use require a compliant building fire alarm system. **(FD)**

Private Fire Service is required if the following occurs. All fire sprinkler systems in commercial buildings require a dedicated private fire service to supply them from the public main. Separate plans shall be submitted to the HBFD detailing the connections, piping, valves and back-flow prevention assembly (DDCA) for approval and permits. The system must be designed in compliance with the California Fire Code, NPFA 13 & 24, and the HBMC. **(FD)**

Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in City Specification #424. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

Commercial Food Preparation Fire Protection System required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection Of Commercial Cooking Operations* in the plan notes. **(FD)**

Fire Personnel Access

The following items shall be completed prior to issuance of a certificate of occupancy.

Main Secured Building Entries shall utilize a KNOX[®] Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX[®] Fire Department Access in the building plan notes. (FD)

Addressing and Street Names

The following items shall be completed prior to issuance of a certificate of occupancy.

Commercial Building Address Numbers shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front and rear of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front and rear door. All address numbers are to be in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and reflect the address location on the building. (FD)

GIS Mapping Information

GIS Mapping Information shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:

- > Site plot plan showing the building footprint.
- > Specify the type of use for the building
- > Location of electrical, gas, water, sprinkler system shut-offs.
- > Fire Sprinkler Connections (FDC) if any.
- > Knox Access locations for doors, gates, and vehicle access.
- Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- > Submittal media shall be via CD rom to the Fire Department.
- > Shall be in accordance with County of Orange Ordinance 3809.
- File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release) drawing file .DWG (preferred) or Drawing Interchange File .DXF.
- Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
- > Separate drawing file for each individual sheet.

In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to City of Huntington Beach Specification # 409 – Street Naming and Addressing.

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**

Building Construction

The following items shall be completed prior to issuance of a certificate of occupancy.

Exit Signs And Exit Path Markings will be provided in compliance with the California Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. **(FD)**

Posting Of Room Occupancy is required. Any room having an occupant load of 50 or more where fixed seats are not installed, and which is used for assembly purposes, shall have the capacity of the room posted in a conspicuous place near the main exit per CFC sec. 1004.3 **(FD)**

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED <u>DURING</u> CONSTRUCTION:

Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with CFC Chapter 14, Fire Safety During Construction And Demolition. (FD)

OTHER:

- Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. (FD)
- Outside City Consultants. The Fire Department review of this project and subsequent plans may require the use of City Consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648

or through the City's website at

http://www.huntingtonbeachca.gov/government/departments/Fire/fire prevention code enforce ment/fire dept city specifications.cfm

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



HUNTINGTON BEACH PLANNING AND BUILDING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:

JUNE 10, 2014

PROJECT NAME:

MACARTHUR GROUP COMMERCIAL BUILDING

PLANNING

APPLICATION NO.

2013-0228

ENTITLEMENTS:

CONDITIONAL USE PERMIT NO. 13-036

DATE OF PLANS:

APRIL 24, 2014

PROJECT LOCATION:

16001 BOLSA CHICA ST. (SOUTHWEST CORNER OF BOLSA CHICA

ST. AND EDINGER AVE.)

PLAN REVIEWER:

JILL ARABE, ASSOCIATE PLANNER

TELEPHONE/E-MAIL:

714-374-5357 / JARABE@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT THE DEVELOPMENT OF A VACANT PARCEL WITH THE CONSTRUCTION OF A NEW 3,500 SQ. FT. BUILDING CONSISTING OF A 24-HOUR, 2,300 SQ. FT. CONVENIENCE STORE WITH ALCOHOL SALES AND 1,200 SQ. FT. TAKE-OUT RESTAURANT WITH OUTDOOR

DINING AND ALCOHOL SALES AND CONSUMPTION.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

CONDITIONAL USE PERMIT NO. 13-036:

- 1. The site plan, floor plans, and elevations approved by the Zoning Administrator shall be the conceptually approved design with the following modifications:
 - a. A minimum of 19 ft. depth shall be required for parking spaces #6 and #20. The spaces shall not encroach within the required fire lane. (HBZSO Section 231.14)
 - b. A minimum of 8 ft. striped maneuvering area shall be provided between the two proposed parallel stalls (#11 and #12). (HBZSO Section 231.14)
 - c. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code. (HBZSO Chapter 231)

- d. After dedication along Edinger Avenue (as required by Public Works requirements), a minimum 50-foot setback or 25-foot setback with the setback entirely landscaped shall be measured and depicted from ultimate right-of-way to the proposed building. (HBZSO Section 211.06)
- e. The plans shall depict the size (36-inch box or 24-inch box or BTH of palms) and species type of the proposed trees. Based on the plans, a minimum total of six 36-inch box trees shall be planted along the street frontages (3 along Edinger Avenue and 3 along Bolsa Chica Street). (HBZSO Section 232.08-B)
- f. Within the 10-foot wide landscaped planter area adjacent to the streets, berming shall be a minimum of 20 inches in height. (HBZSO Section 232.08-C)
- g. For traffic visibility purposes, the maximum height of shrubbery shall be 32 inches within any parking area and within five feet of any driveway. (HBZSO Section 232.08-A)
- h. The proposed gate (doors) along the west property line shall not encroach over property lines. A mechanical equipment plan shall be submitted to the director to ensure that the mechanical equipment is not visible from an adjoining lot. (HBZSO Section 230.76-C)
- i. The site plan shall include all utility apparatus, such as but not limited to, backflow devices and Edison transformers. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be not be located in the front yard setback and shall be screened from view. (HBZSO Section 230.76)
- j. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s). (HBZSO Section 230.76)
- k. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. (HBZSO Section 230.76)
- I. All parking area lighting shall be energy efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (HBZSO 231.18.C)
- m. Bicycle parking facilities shall be provided in accordance with the provisions of HBZSO Section 231.20 *Bicycle Parking*. (HBZSO Section 231.20)
- 2. Prior to issuance of grading permits, the following shall be completed:

- a. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Planning and Building Department for review and approval. (HBZSO Section 232.04)
- b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (HBZSO Section 232.04.D)
- c. Standard landscape code requirements apply. (HBZSO Chapter 232)
- d. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (HBZSO Section 232.04.B)
- e. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (HBZSO Section 232.06.A)
- f. A Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees. Said Arborist signature shall be incorporated onto the Landscape Architect's plans and shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution No. 4545)
- 3. Prior to issuance of building permits, the following shall be completed:
 - a. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 Payment of Park Fee. The fees shall be paid and calculated according to a schedule adopted by City Council resolution. (City of Huntington Beach Planning and Building Department Fee Schedule)
- 4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Existing street tree(s) to be inspected by the City Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. (Resolution No. 4545)
 - b. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. (HBMC 8.40.090)
- 5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:
 - a. A Certificate of Occupancy must be approved by the Planning and Building Department and issued by the Building and Safety Department. (HBMC 17.04.036)
 - b. Complete all improvements as shown on the approved grading, landscape and improvement plans. (HBMC 17.05)
 - c. All trees shall be maintained or planted in accordance to the requirements of Chapter 232. (HBZSO Chapter 232)

- d. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (HBZSO Section 232.04.D)
- e. The provisions of the Water Efficient Landscape Requirements shall be implemented. (HBMC 14.52)
- 6. The use shall comply with the following:
 - a. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. (HBZSO Section 230.74)
- 7. The Development Services Departments (Planning and Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18. (HBZSO Section 241.18)
- 8. CUP 13-036 shall become null and void unless exercised within one year of the date of final approval, or as modified by condition of approval. An extension of time may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date. (HBZSO Section 241.16.A)
- 9. CUP 13-036 shall not become effective until the appeal period following the approval of the entitlement has elapsed. ((HBZSO Section 241.14)
- 10. The Zoning Administrator reserves the right to revoke CUP 13-036 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. (HBZSO Section 241.16.D)
- 11. The project shall comply with all applicable requirements of the Municipal Code, Planning and Building Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. (City Charter, Article V)
- 12. Construction shall be limited to Monday Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. (HBMC 8.40.090)
- 13. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the <u>County of Orange</u> and submitted to the Planning Department within two (2) days of the Zoning Administrator's approval of entitlements. (California Code Section 15094)
- 14. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of

Planning and Building, and Public Works for Code requirements. Substantial changes may require approval by the Zoning Administrator. **(HBZSO Section 232.04)**



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE:

MAY 20, 2014

PROJECT NAME:

MACARTHUR GROUP BUILDING

ENTITLEMENTS:

CUP 13-36

PLNG APPLICATION NO:

2013-0228

DATE OF PLANS:

APRIL 24, 2014

PROJECT LOCATION:

16001 BOLSA CHICA STREET

PROJECT PLANNER:

JILL ARABE, ASSISTANT PLANNER

TELEPHONE/E-MAIL:

714-374-5357 / JARABE@SURFCITY-HB.ORG

PLAN REVIEWER:

BOB MILANI, SENIOR CIVIL ENGINEER

TELEPHONE/E-MAIL:

714-374-1735 / BOB.MILANI@SURFCITY-HB.ORG

PROJECT DESCRIPTION:

TO PERMIT THE CONSTRUCTION OF AN APPROXIMATELY 3,500 SQ. FT. BUILDING CONSISTING OF A 2,300 SQ. FT. CONVENIENCE STORE WITH ALCOHOL SALES, AND A 1,100 SQ. FT. TAKE-OUT RESTAURANT WITH 220 SQ. FT. OUTDOOR DINING AREA IN CONJUNCTION WITH THE SALES AND

CONSUMPTION OF ALCOHOL.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A GRADING PERMIT:

- A Legal Description and Plat of the dedications to City to be prepared by a licensed surveyor
 or registered Civil Engineer authorized to practice land surveying and submitted to Public
 Works for review and approval. The dedication shall be recorded prior to issuance of a
 grading permit.
- 2. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan. (ZSO 230.084A)

- a. A 50-foot half width right-of-way dedication from the street centerline for vehicular, pedestrian access, and public utilities along the Edinger Avenue project frontage per Public Works Standard Plan Nos. 102 and 207. (CE 17, ZSO 230.084)
- 3. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. Any damaged curb, gutter and sidewalk along the Edinger Avenue and Bolsa Chica Street frontage shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - b. Grind and overlay 1.5" depth and 15' width of existing asphalt pavement (measured from the edge of gutter) on Edinger Avenue and Bolsa Chica Street. (ZSO 230.84)
 - c. The proposed driveway approaches on Bolsa Chica Street and Edinger Avenue shall be installed per Public Works Standard Plan No. 211. (ZSO 230.84)
 - d. The existing driveway approaches on Edinger Avenue and the existing northerly driveway approach on Bolsa Chica Street shall be removed and replaced with curb, gutter, and sidewalk per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - e. An ADA compliant access ramp at the southeast corner of Bolsa Chica Street/Edinger Avenue per Caltrans Standard Plan A88A. (ZSO 230.84, ADA)
 - f. A new sewer lateral shall be installed connecting to the main in Edinger Avenue. If the new sewer lateral is not constructed at the same location as the existing lateral, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)
 - g. The existing domestic water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service, any non-conforming water service and meter shall be upgraded to conform to the current Water Division Standards. Alternatively, new separate domestic water services and meters may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC) (ZSO 230.84)
 - h. A separate irrigation water service and meter shall be installed per Water Division Standards. (ZSO 232) (MC 14.52)
 - Separate backflow protection devices shall be installed per Water Division Standards for domestic, irrigation and fire water services, and shall be screened from view. (Resolution 5921 and State of California Administrative Code, Title 17)
 - j. The existing domestic water service and meter, if not being used shall be abandoned per Water Division Standards. (ZSO 230.84)
 - k. Any fire sprinkler system that may be required by the Fire Department for the proposed development shall have a separate dedicated fire service line installed per Water Division Standards. (ZSO 230.84)
- 4. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) [MS4 Permit] prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address Section XII of the MS4 Permit and all current surface water quality issues.

- 5. The project WQMP shall include the following:
 - Low Impact Development.
 - b. Discusses regional or watershed programs (if applicable).
 - c. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - d. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)
 - e. Incorporates Treatment Control BMPs as defined in the DAMP.
 - f. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - g. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - h. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - i. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.
 - j. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
 - i. The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
 - ii. The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
 - k. The applicant shall return one CD media to Public Works for the project record file.
- 6. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
- 7. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP).
- 8. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)
- 9. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)

- 10. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
- 11. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.
- 12. A Traffic Impact Analysis shall be prepared for the proposed project and submitted for review and approval.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

- 13. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
- 14. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
- 15. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
- 16. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
- 17. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
- 18. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
- 19. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
- 20. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
- 21. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
- 22. Wind barriers shall be installed along the perimeter of the site. (DAMP)
- 23. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- 24. A Precise Grading Permit shall be issued. (MC 17.05)
- 25. A drainage fee for the subject development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$13,880 per gross acre is subject to periodic adjustments. This project consists of 0.87 gross acres (including its tributary area portions along the half street frontages) for a total required drainage fee of \$12,075. City records indicate the previous use on this property never paid this required fee. Per provisions of the City Municipal Code, this one-time fee shall be paid for all subdivisions or development of land. (MC 14.48)
- 26. The applicable Orange County Sanitation District Capital Facility Capacity Charge shall be paid to the City Department of Public Works. (Ordinance OCSD-40)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT PERMIT:

27. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be prepared in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (Construction Traffic Control Plan Preparation Guidelines)

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

- 28. Complete all improvements as shown on the approved grading, and improvement plans. (MC 17.05)
- 29. All existing and new utilities shall be undergrounded. (MC 17.64)
- 30. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public works/fee schedule.pdf. (ZSO 240.06/ZSO 250.16)
- 31. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
 - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

SUGGESTED CONDITIONS OF APPROVAL

DATE:

MAY 20, 2014

PROJECT NAME:

MACARTHUR GROUP BUILDING

ENTITLEMENTS:

CUP 13-36

PLNG APPLICATION NO: 2013-0228

DATE OF PLANS:

APRIL 24, 2014

PROJECT LOCATION:

16001 BOLSA CHICA STREET

PROJECT PLANNER:

JILL ARABE, ASSISTANT PLANNER

TELEPHONE/E-MAIL:

714-374-5357 / JARABE@SURFCITY-HB.ORG

PLAN REVIEWER:

BOB MILANI, SENIOR CIVIL ENGINEER

TELEPHONE/E-MAIL:

714-374-1735 / BOB.MILANI@SURFCITY-HB.ORG

PROJECT DESCRIPTION:

TO PERMIT THE CONSTRUCTION OF AN APPROXIMATELY 3,500 SQ. FT. BUILDING CONSISTING OF A 2,300 SQ. FT. CONVENIENCE STORE WITH ALCOHOL SALES, AND A 1,100 SQ. FT. TAKE-OUT RESTAURANT WITH 220 SQ. FT. OUTDOOR DINING AREA IN CONJUNCTION WITH THE SALES

AND CONSUMPTION OF ALCOHOL.

THE FOLLOWING CONDITION SHALL BE COMPLETED PRIOR TO FINAL INSPECTION OR OCCUPANCY:

1. All existing overhead 12kV electrical distribution and various communication lines along the Edinger Avenue and Bolsa Chica Street frontages shall be undergrounded. In lieu of compliance with this project Condition, a fair-share fee, in the amount of \$55,000 shall be paid to the City of Huntington Beach Public Works Department.



TO:

Jill Arabe, Associate Planner

FROM:

Bob Milani, Senior Civil Engineer

DATE:

May 20, 2014

SUBJECT:

16001 Bolsa Chica Street (Convenience Store and Restaurant)

In addition to the project Codes and Conditions, Public Works has the following comments for your use:

1. Please note that infiltration is likely not feasible for this site, since historical depth to high groundwater is less than 10 feet and the site is in active remediation with hydrocarbon soil contamination. Since the primary treatment control BMP proposed for the project is a bio-retention basin, the basin must be self-contained and lined on all sides with a geo-membrane barrier. Additionally, there are no existing public underground storm drain systems within the vicinity of the project and all bio-treated runoff at the bottom of the basin shall be either pumped back up to, and discharged to the street, or new underground public storm drain system built with connections to either the Bolsa Chica Channel to the north or Sunset Channel to the south.



CITY OF HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CONDITIONS OF APPROVAL

DATE:

May 14, 2014

PROJECT NAME:

MacArthur Group Building

ENTITLEMENTS:

Conditional Use Permit No. 13-036

PROJECT LOCATION:

16001 Bolsa Chica St., 92649 (southwest corner of Edinger Ave. and Bolsa

Chica St.)

PROJECT PLANNER:

Jill Arabe, Associate Planner

PLAN REVIEWER:

Steven Fong, Detective, PD-SIB

TELEPHONE/E-MAIL:

714-536-5960 / sfong@hbpd.org

PROJECT DESCRIPTION: To permit the construction of an approximately 3,500 sq. ft. building consisting of a 2,300 sq. ft. convenience store with alcohol sales, and a 1,100 sq. ft. take-out restaurant with 220 sq. ft. outdoor dining area in

conjunction with the sales and consumption of alcohol.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated April 24, 2014. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Zoning Administrator in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Conditions for the proposed restaurant:

- 1. Prior to sales, service or consumption of alcoholic beverages the businesses shall obtain an ABC license authorizing alcohol use in the restaurant and on the outdoor patio. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License.
- 2. All alcoholic beverages shall remain within the interior of the restaurant, or within the confines of the fenced in patio dining area, per §9.44.010 of the Huntington Beach Municipal Code (HBMC). Service of alcoholic beverages for consumption off-site will not be permitted. A sign shall be posted stating alcoholic beverages are not allowed outside of the restaurant/patio.
- 3. Service of alcoholic beverages for consumption off-site shall not be permitted.
- 4. The sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage.
- 5. There shall be no entertainment of any type as defined by 5.44 HBMC without a Huntington Beach Police Department issued Entertainment Permit. No entertainment is allowed in the outside dining area.
- 6. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.

- 7. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least one hour prior to the scheduled closing time.
- 8. No loitering shall be permitted within the vicinity of any entrances and exits at any time.
- **9.** The patio area shall have only one entry/exit point. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT".
- **10.** To further reduce the likelihood of noise disturbances from patrons during late night and early morning hours, no dining or consumption of alcoholic beverages will be permitted on the outdoor patio areas between the hours of 10:00 PM and 7:00 AM.
- **11.** An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages.
- **12.** All outdoor areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons.
- 13. The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations.
- **14.** All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times.

Conditions for the proposed convenience store:

- 1. Prior to the sales of alcoholic beverages, the business shall obtain an ABC license authorizing off sale alcohol sales. The business shall be limited to a Type 20 (Off Sale Beer and Wine) ABC License.
- 2. The parking lot of the premises, as well as the area around the location, shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
- 3. The business shall not allow their patrons or the general public to loiter or congregate in the parking lots adjacent to their licensed business.
- **4.** "No Loitering" and "No Open Container" signs shall be affixed and clearly visible on the north and west sides of the business.
- 5. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.
- **6.** The business shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations.
- **7.** All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times.



OFFICE of the ZONING ADMINISTRATOR CITY OF HUNTINGTON BEACH • CALIFORNIA

P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

NOTICE OF ACTION

July 17, 2014

Jeff Bergsma, Team Design 221 Main Street, Suite 'S' Huntington Beach, CA 92648

SUBJECT:

CONDITIONAL USE PERMIT 13-036 (MACARTHUR GROUP

COMMERCIAL BUILDING)

APPLICANT:

Jeff Bergsma, Team Design, 221 Main Street, Suite 'S',

Huntington Beach, CA 92648

REQUEST:

To permit the development of a vacant parcel with the construction of a 3,700 sq. ft. commercial building consisting of a 24-hour, 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale

and consumption of alcoholic beverages.

PROPERTY OWNER:

MacArthur Group LLC, Tristan Harris, 4040 MacArthur Blvd.,

Suite 250, Newport Beach, CA 92660

LOCATION:

16001 Bolsa Chica Street, 92649 (southwest corner of Edinger

Avenue and Bolsa Chica Street)

CITY CONTACT:

Jill Arabe

DATE OF ACTION:

July 16, 2014

On Wednesday, July 16, 2014, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal

period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Nine Hundred Seventeen Dollars (\$1,917.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Five Hundred One Dollars (\$2,501.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is July 28, 2014, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has begun, or as modified by condition of approval.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Jill Arabe, the project planner, at (714) 374-5357 or via email at Jarabe@surfcity-hb.org or the Department of Planning and Building Zoning Counter at (714) 536-5271.

Sincerely,

Ricky Ramos

Zoning Administrator

RR:JA:jd Attachment

c: Honorable Mayor and City Council
Chair and Planning Commission
Fred A. Wilson, City Manager
Scott Hess, Director of Planning and Building
William H. Reardon, Division Chief/Fire Marshal
Jane James, Planning Manager
Debbie DeBow, Principal Civil Engineer
Mark Carnahan, Building Manager
Jim Brown, Fire Protection Analyst
Joe Morelli, Fire Protection Analyst
MacArthur Group LLC
Project File

FOR RR

ATTACHMENT NO. 1

FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 13-036

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project involves the construction of a new commercial building not exceeding 10,000 square feet in floor area on a site zoned for such use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 13-036:

- 1. Conditional Use Permit No. 13-036 for the construction of a 3,700 sq. ft. commercial building consisting of a 24-hour, 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The development will improve an existing vacant lot and provide additional commercial services in the vicinity. The proposed commercial uses are similar to surrounding existing uses. Potential noise generated by the uses will not exceed existing noise levels and will comply with the City's Noise Ordinance. The nearest residential uses in the vicinity are located more than 120 feet from the property to the southeast and are buffered by the arterial streets, flood control channel, and parking lots. Furthermore, the layout of the site provides adequate onsite circulation for pedestrians and vehicles and as conditioned, appropriate reciprocal access with the adjacent commercial center. The proposed alcohol use as conditioned will not generate noise, traffic, demand for parking, or other impacts above that which currently exists and will be consistent with the subject property's zoning.
- 2. The 3,700 sq. ft. commercial building consisting of a 24-hour, 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages will be compatible with surrounding uses because the project consists of commercial uses similar to those found in the vicinity. Alcohol sales is ancillary to the retail use and eating and drinking establishment and will not generate significant impacts related to parking, traffic, or noise above existing conditions. The site is physically separated from noise sensitive uses by streets, flood control channel, and parking lots and located more than 120 feet away from residential uses with building entrances oriented to the streets. The proposed single-story building features an architectural tower element for the convenience store entrance and enhanced building features include a flat roof with parapet walls and cornice treatment, steel canopies and columns to break up the façade massing, variable façade offsets and material changes, and a stone base at the pedestrian scale.

- 3. The 3,700 sq. ft. commercial building consisting of a 24-hour, 2,300 sq. ft. convenience store with alcohol sales for off-site consumption and a 1,400 sq. ft. eating and drinking establishment with outdoor dining in conjunction with the sale and consumption of alcoholic beverages will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with the development standards in terms of minimum onsite parking, building height, setbacks, and landscaping. Adequate vehicular and pedestrian circulation is provided for convenient access throughout the project and as conditioned, provides reciprocal access with the adjacent commercial center.
- 4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Commercial General on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Objective LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

<u>Policy LU 10.1.15</u>: Require that buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

<u>Policy LU 10.1.12</u>: Require that Commercial General uses be designed and developed to achieve a high level of quality, distinctive character, and compatibility with existing uses and development.

The proposed project is a small commercial development located within close proximity of existing commercial and residential uses. The site layout provides adequate onsite circulation for vehicles and pedestrians and as conditioned, reciprocal access with the adjacent shopping center. It will visually improve the character of the area by constructing an architecturally compatible single-story commercial development with enhanced landscaping and upgraded sidewalk improvements. The proposed uses are neighborhood serving and conveniently accessible to local residents and visitors in the vicinity. The ancillary use of alcohol sales to a convenience store and eating and drinking establishment is appropriate when it is surrounded by similar commercial uses and when existing residential uses are adequately buffered from the proposed use.

B. Urban Design Element

Goal UD 1: Enhance the visual image of the City of Huntington Beach.

The proposed building incorporates architectural treatments consistent with the City's Design Guidelines including a tower element at the corner of the building, variable offsets to break up the building massing, steel canopies and columns to

enhance the façades, and a combination of materials and colors. Decorative paving is proposed at the driveway entrance and pedestrian crossings with drive aisles to provide a traffic calming effect and improved site design. Landscape planters adjacent to the street frontages and distributed throughout the site help screen the parking lot and enhance the visual image of the environment.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 13-036:

- 1. The site plan received and dated July 7, 2014, and floor plans, and elevations received and dated June 24, 2014, shall be the conceptually approved design with the following modifications:
 - a. A three feet wide landscape planter (including the two feet overhang for parking stalls) and minimum four feet wide walkway shall be provided to the north of the convenience store between the parking spaces (#1-5) and the building.
 - b. The driveway off Edinger Avenue shall be removed and the required landscape planter and appropriately dimensioned parking spaces shall be constructed between parking spaces #21 and #22.
 - c. The gate doors or fencing serving the temporary resource extraction enclosure along the west property line shall not encroach over the property line unless authorization from the adjacent property owner is provided.
 - d. The elevations shall incorporate a combination of the following modifications subject to review and approval by the Planning and Building Department:
 - i. The primary color of the building shall be a lighter shade of gray.
 - ii. The metal storefront shall be painted black or a darker color.
 - iii. The wainscot shall incorporate more gray hues.
 - e. The floor plans and elevations shall be revised to be consistent with the layout change per the revised site plan.
 - f. The plans shall be revised to reflect the correct building square footage and net parcel size.
- 2. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties immediately adjacent to and across the street within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Division.
- 3. Prior to submittal for building permits, the following shall be completed:

Attachment 1.3

- a. One set of project plans, revised pursuant to Condition of Approval No. 1 and Code Requirements, shall be submitted for review, approval, and inclusion in the entitlement file, to the Planning Division.
- b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire, Public Works, and Building shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
- c. A reduced copy of the approved site plan and processing fee shall be submitted to the Planning Division for addressing of the new suites.
- 4. Prior to issuance of building permits, the following shall be completed:
 - a. Detailed landscaping plans complying with HBZSO Chapter 233 shall be submitted to the Planning Division for review and approval.
 - b. The subject property shall provide an irrevocable reciprocal driveway access easement between the subject site and adjacent westerly property as depicted on the approved plans. The subject property shall be responsible for making necessary improvements to implement the reciprocal access. The legal instrument shall be submitted to the Planning Division prior to building permit issuance. The document shall be approved by the Planning Division and City Attorney as to form and content and, when approved, shall be recorded with the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval. The recorded agreement shall remain in effect in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - c. If the adjacent westerly property owner does not agree to the terms and provisions of joint and reciprocal access, Condition No. 1b shall not apply and driveway access from Edinger Avenue may continue with appropriate improvements subject to approval by the Planning Division and Public Works Department. The subject property shall enter into an irrevocable offer for future reciprocal access and shared entry between the subject site and adjacent westerly property. Language in the irrevocable offer agreement shall indicate that the subject property owner will close the subject site's driveway access from Edinger Avenue with appropriate improvements in the event that the adjacent westerly property owner accepts the offer. The legal instrument shall be submitted for review and approval by the Planning Division and the City Attorney as to form and content, and when approved. recorded in the Office of the County Recorder prior to final building permit approval. A copy of the recorded document shall be filed with the Planning Division for inclusion in the entitlement file prior to final building permit approval.

- 5. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released until the following has been completed:
 - a. All existing overhead 12kV electrical distribution and various communication lines along the Edinger Avenue and Bolsa Chica Street frontages shall be undergrounded. In lieu of compliance with this project condition, a fair-share fee, in the amount of \$55,000 shall be paid to the City of Huntington Beach Public Works Department. (PW)
 - b. All improvements are completed in accordance with approved plans, except as provided for by conditions of approval.
 - c. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.
 - d. Compliance with all conditions of approval specified herein shall be verified by the Planning Division.
 - e. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - f. A Certificate of Occupancy must be approved and issued by the Planning and Building Department.
- 6. Signage shall be reviewed under separate permits and applicable processing.
- 7. The uses (eating and drinking establishment, outdoor dining, and convenience store) shall comply with the following:
 - a. Unless approved by a subsequent entitlement, the eating and drinking establishment shall be limited to a maximum of 12 seats within the interior of the suite; and the outdoor patio area shall not exceed a maximum of 20% of the indoor area or 400 sq. ft., whichever is less.
 - b. The convenience store shall be limited to a maximum of 10% of the floor area devoted to sales, display, and storage of alcoholic beverages (beer and wine).
 - c. The daily hours of operation shall be limited as follows:

i. Convenience store:

6:00 a.m. to 2:00 a.m.

ii. Eating and Drinking Establishment:

7:00 a.m. to 2:00 a.m.

Outdoor dining:

7:00 a.m. to 10:00 p.m.

d. Truck deliveries to all businesses shall be limited to between the hours of 7:00 a.m. to 10:00 p.m., Monday through Friday, and 9:00 a.m. to 10:00 p.m., Saturday and Sunday.

- e. Prior to the sales, service or consumption of alcoholic beverages for the eating and drinking establishment and outdoor dining area, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by ABC, shall be submitted to the Planning and Building Department for the entitlement file. The business shall be limited to a Type 41 (On Sale Beer and Wine for Bona Fide Public Eating Place) ABC License. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
- f. All alcoholic beverages shall be limited to within the interior of the eating and drinking establishment and the fenced outdoor dining area. (PD)
- g. Service of alcoholic beverages for consumption off-site shall be prohibited beyond the eating and drinking establishment and outdoor dining area. (PD)
- h. Within the eating and drinking establishment and outdoor dining area, the sale of alcoholic beverages shall be made only in conjunction with the sale of food to the person ordering the beverage. (PD)
- i. Dancing and entertainment shall be prohibited unless approved by a conditional use permit.
- j. Food service from the regular menu shall be available from the time the eating and drinking establishment opens to the public, until at least one hour prior to the scheduled closing time. (PD)
- k. No loitering shall be permitted within the vicinity of any entrances and exits and in the parking lot at any time. (PD)
- I. The patio area shall have only one entry/exit point. A sign shall be posted in a conspicuous space at the entrance/exit point of the patio, which shall state, "NO ALCOHOLIC BEVERAGES BEYOND THIS POINT." (PD)
- m. An employee shall maintain continuous supervision at all times of the patio area when the patio area is being utilized for the sales, service or consumption of alcoholic beverages. (PD)
- n. No dining or consumption of alcoholic beverages shall be permitted within the outdoor patio area between the hours of 10:00 p.m. and 7:00 a.m. (PD)
- o. The patio area shall be sufficiently illuminated to permit the identification of patrons. (PD)
- p. The eating and drinking establishment's use conditions listed herein shall be clearly posted on the premises at all times.
- q. Prior to the sales of alcoholic beverages, the convenience store shall obtain an ABC License authorizing off sale alcohol sales. The business shall be limited to a Type 20 (Off Sale Beer and Wine) ABC License. (PD)
- r. The display or sale of the following items shall be prohibited:

- i. Wine or distilled spirits in containers of less than 750 milliliters.
- ii. Malt beverage products with alcohol content greater than five and one-half percent by volume.
- iii. Wine with an alcoholic content greater than 14 percent by volume unless in corked bottles and aged at least two years.
- iv. Beer or malt liquor sold individually in containers of 40 ounces or less.
- v. Containers of beer or malt liquor not in their original factory packages of six-packs or greater.
- vi. Distilled spirits in bottles or containers smaller than 375 milliliters.
- vii. Cooler products, either wine or malt beverage based, in less than four-pack quantities. (PD)
- s. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and discern the appearance and conduct of all persons on or about the parking lot. (PD)
- t. "No Loitering" and "No Open Container" signs shall be affixed and clearly visible on the north and west sides of the building. **(PD)**
- u. Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review. (PD)
- v. Both businesses shall employ a video surveillance system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The business shall ensure all doors, eating areas, and parking areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 48 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. (PD)
- w. All owners, employees, representatives, and agents must obey all state, local, and municipal laws, and conditions of the Conditional Use Permit, Alcoholic Beverage Control License and any other regulations, provisions, or restrictions prescribed by a regulatory authority with jurisdiction over the premise; at all times. (PD)
- 8. The owner or owner's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
- CUP No. 13-036 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director

- pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
- 10. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18.
- 11. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (http://www.usgbc.org/DisplayPage.aspx?CategoryID=19) or Build It Green's Green Building Guidelines and Rating Systems http://www.builditgreen.org/green-building-guidelines-rating).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

The following topics are the primary areas of concern we typically hear back from the community/city when we propose to seek approval for the new version of the current 7-Eleven that is being submitted.

We have attempted to address these areas of concern by subject matter as described below. We welcome any additional feedback from the community/city as we finalize our efforts to request approval from the City

ALCOHOL SALES & HOURS OF OPERATION

SECURITY

PARKING & TRAFFIC

APPEARANCE OF PREMISES (AESTHETICS)

PROPOSED CHANGES TO PROJECT BASED ON COMMUNITY INPUT

- Alcohol Sales and Hours of Operation
 - A 24-hour operation serves all community members, including those who work non-traditional hours, such as the self-employed, restaurant employees, medical personnel and public safety officers. It also provides the community with access to necessities (such as coffee, fresh food, basic groceries and medicine) at hours that other stores and restaurants are usually closed.
 - o Our "Fresh Fare" concept offers a variety of fresh, healthy foods to the community 24/7.
 - 7-Eleven will volunteer a condition to prohibit all "singles" sales.
 - o All employees handling transactions at the registers will complete 7-Eleven's "Come of Age" computer based training program on handling all age-restricted sales. Employees must pass this training in order to work on the cash registers.
 - o Cash registers require age verification on all age-restricted sales. The registers are programmed not to continue with an age-restricted transaction unless the date of birth of the customer is verified.

Increased Security

- o 7-Eleven will install a state of the art camera/surveillance system (total of 8 cameras).
- o 7-Eleven stores can install a "panic button" that immediately calls 9-1-1.
- 7-Eleven will use advanced employee computer based training ("Crime Deterrence Program") to deter crime and loitering.
- o 7-Eleven will place a "no trespassing" letter on file with LAPD.
- o 7-Eleven will display "no trespassing" signs prominently on premises.
- o 7-Eleven will volunteer a condition to remove all graffiti with 24 hours.

Parking & Traffic

- 7-Eleven is not a trip-generator; it serves the local community while also capturing through-traffic (travelling through the community en route from one point to another.)
- 7-Eleven will add bike racks outside the store to provide "greener" opportunities for patrons to shop at 7-Eleven if requested.
- 7-Eleven/LL can create and enforce time-limited parking. (e.g. 15-minute stalls)
- 7-Eleven parking turns over very quickly. Average time in the store is 3-4minutes
- The site does meet the required parking code for the area.

Aesthetics

- o 7-Eleven's investment in the store will greatly enhance the attractiveness of this space.
- 7-Eleven will volunteer a condition to maintain a litter and trash free environment around the store and the parking lot.
- 7-Eleven's Investment in the store will exceed \$500,000 due to the much improved upgrades that make up the new "South Lake" look —see handout
- 7-Eleven will volunteer a condition to remove all graffiti with 24 hours.

CONCLUSION

7-Eleven is a well-respected national corporation, and our stores are operated by highly professional yet <u>local</u> entrepreneurs and employees who are motivated to become closely involved with the local community. It will hire between 4-8 employees to serve its customers.

7-Eleven will be a 'good neighbor' and will provide added services that will benefit the community. The existing shopping center will receive a substantial upgrade. This type of capital investment frequently encourages other property owners to upgrade their properties.

We thank you for your time and consideration, and hope you will support our proposed project.



Attachment No. 6.3







Attachment No. 6.6



2542 N. SAN GABRIEL BLVD. ROSEMEAD, CA 91770

Phone (800) 287-2075

Phone (626) 280-5244

Fax (626) 280-1363

www.GarveyWholesaleBeverage.com

RECEIVED

JUL 2 1 2014

Dept. of Planning & Building

6112 Norbrook Dr. Huntington Beach, CA

92649

714.720.9574

Wednesday, 16 July 2014

Jill Arabe and Ethan Edwards 2000 Main St Huntington Beach, CA 92648

In regards to the proposed 7-Eleven convenience store in the vicinity of Bolsa Chica and Edinger:

I do not believe that the addition of a 24 hour, international chain convenience store is in the best interests of either Huntington Beach or its citizens.

Being a proprietor in the beverage industry, the market surrounding the proposed site is already highly saturated. There are plenty of retail and convenience stores in this vicinity; there is one directly across the street from the proposed site. Adding another international chain store will only deter our struggling, local businesses further. Huntington Beach has seen a tremendous influx of corporate influence in recent decades. It is a shame to see many of the local businesses that attracted my family and I here originally pushed to close their doors.

I have rarely, if ever, found the addition of a 24 hour convenience store to improve the area immediately surrounding its location. Establishments such as these appear to attract the type of patrons that most of us would prefer or children not mingle with. 24 hour convenience stores seem to foster petty crime, drug deals and other lewd behavior more than anything else. I can hardly see how an addition of this sort will help property owners or tax payers in our city.

Thank you for your time.

Sincerely,

Phil Capriccio

We the undersigned citizens and residences of Huntington Beach CA and other neighborhood residents have formed this petition to address our opposition to the construction of a new building consisting of a 24-hour convenience store being built by MacArthur Group, LLC and Jeff Bergsma from Team Design.

- We are concerned about the approval of an additional Liquor license in the neighborhood. In a one mile radius from the property in question there are currently off-premise liquor licenses. This figure does not include on-premise or sit-down establishments such as bars or restaurants. We strongly feel that there should not be any more off-premise liquor licenses issued by the ABC or the City of Huntington Beach for fear that the image of the city and immediate vicinity of the proposed outlet will be tarnished and that the integrity of the neighborhood be jeopardized and diminished.
- We are concerned about the potential crime and noise pollution that a 24 hour hangout (e.g. 7-11) might attract to the residential nature of quiet area surrounding Huntington Beach Harbor, specifically the neighborhoods surrounding the intersection of Bolsa Chica and Edinger. Fear of this is brought by the fact that the liquor store in the adjacent center has been robbed at gunpoint multiple times.
- We oppose commercial duplication of the same goods/products/services in the adjacent retail strip and believe we should limit the distance of duplicative retail establishments to at least 1,000 feet of each other.
- We are concerned that corporately-owned/franchised chain stores is inconsistent with the independent retail establishments that populate neighborhood.
- We are concerned that with the expanding population of young children in the immediate area and the problem of childhood obesity on the rise; the inexpensive junk food options sold by establishments such as 7-11 (which advertise and appeal to children) will have a harmful impact on our children's health and well-being.

We respectfully request that the City of Huntington Beach address this decision before a final decision on the matter is made.

Please sign this petition along with your full name and address.

PUBLIC HEARING HELD ON WED, JULY 16 AT 1:30 PM

ROOM B-8 LOWER LEVEL CITY HALL 2000 MAIN ST. HB

ALL INTERESTED PERSONS INVITED TO Attachment No. 6.8

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	AIRXIS SAMUELU 4952 Kona DV. Silvert July 7-8-17
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NAME	ADDRESS	SIGNITURE	DATE
STEPHEN	/ JONES 4621 MINUER	on Island	7-8-24
Ed FAbish	4861 KONA DRAC	A Talit	7-9-14
Grea	Partnotf \$ 973	32 Blue Test	15 Test 7-8-14
Hewi N	Islach 5931 lan	aport Movel	LKOL 7-9-14
UNCENZO	CAPASSO 48GZ KONA	DR. APT. B	7/9/14
SOHN Su	mm 16172 MEZ	LODY CAJ	7/9/14
John_	Hall Hell WAVE	en IN 926	49 7914
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- Marin	e And 174	1-377 969	Q 79-14
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TASON I	-Verson 5022 B	METGYCH	jerson cenerson
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KIM HERE	WANN 4971 Kana Dr	#B HB, CA 9	2649 Litte Hally
Cardice V	vorkman 1812 Scenara	Drive BO, CA 92	2049 Myde 7/9/14
Eric De	·Bruin 16444Bo	Isa Chica 1/8	19/4
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Tomot	16291	HB.	769 7A14	
Steven Co	deiano 5842 McFade	den Ave Unit	LHB 7/09/14	
RICKFOS	TER 4120 Delphi	GR HBFTH	har Dodo 7/1/14	Ş.
JUSHPALICHUK	GZZZ MUNTEDSYZSA	HR Kruk	le 7/9/14	
Jacon Price	e 5162 Sparrow	DR HB	19-1-7-1	4
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JOHN	MUMOLA.	Jordyn Ho	WYGSUNAT 9 4	
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24 hrs - 7: 11 Store

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NAME	ADDRESS	SIGNITURE	DATE
Brion Ektohl	4951 Karnor.	Bronz Rla	P7-9-14
Spencer Platter	4592 Minust	las	7-9-14
Exhal Keewas	1606 Parkside	no felle	7.7.14
Sarof Sheepero	4901 Kal Ave	Sen Jolene	7/9/15
MIKE Huyan	490 Z KONADRY	B CNAPLE	7/9/14
COLIN MATSCHOTO	17151 COLBWAL	s Kt	7/09/41
James Cish	4262 Carreray In	Game Find	Waln
Dale Vaugh			7/9/14
Will Workings	16925 La Bonita	LN	7/9/11
Mystel Delane	16081 Tomas.	IN VERRING	ane 7.2.14
Antidous zin	enos 4841 pe	el Ava Chan	- 19/11/14
Cel Bakent	13657 UNIVERDA	5. / Jal	[1/09/2]
Chris DEPi	na 50821	included (1) XXX	7-9-19
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19	300D1112N 4862 KO	NO DEHO	AL 7914
Junio	.c.Ka Robinson 4901 Kona	Dr. #A, H.B.	7/9/14
Mike	Keith 4901 Koma Dr	= # A, H,B.	7/9/14
Vicke	Rich 16222 Monterey W	H.B.92649	Hogy 4
dila	7664 4932 Kena 0 4		Jugran 7-9-14
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Dr	KD JWHALON 19		JLN 1979-14
JA	SON MCGILL 16772	BLANTON	
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AUK	A STEVENS 16222	Montey C	7/0/14
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NAME	ADDRESS	SIGNITURE	DATE
Brooke Bessi	2X 4692 Rhapos	d& Buookee	7.10.14
ROBERT ALLEW	16096 BowAURE GE	Phil	1.10.14
Victor Valladares	METHODIA has		7.10.H
Katty St	NO 12(19/XC)	Sa A LUG	-7/10/14
JAN CHO	14232 En frold ()	water	7/10/14
THAIDR SA	ATTURES 3442	MINDER DE	H 7/10/2018
CASON ESCA	-PO 16875 LYP	P ST. 12 A.B.	92649 7.10.14
BRIM MOR	TE 1507/ BOL	ERO LA HDC	12649 7/10/14
Alice Kinn	ec 16400 SAUI	brook the AB	92649 7/6/4
Marc Harrall	M with light 160/2	m 12699	7-10-14
MICHAEL D. GEL	BER 16231 Honolul	N LANE HB 92649	4+10-14
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PROTEST AGAINST NEW CONVENIANCE STORE BUILDI

Machael PACE Montary Supple 7-11-14

GERMO SAPAN WARNER TO 1-14

Durke Grediker 4012 Minust HB Dura 7-11-14

Darrell Chapman 4012 Minust HB Durapman 7-11-14

Jose Vinter Moran 6782 four ST Westwister of A facility

Victor NUNCS 4652 Suite Dr. Huntyfon Beach 7-11.

George Pariso 16073 Warkshi In 471 + CHEFFE 7-11.

Jose Valasquec 4841 Heil Av. 92649 Facel 8-11.

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ARlesso Kozy 16444 Bobacking HB 92019 2-12-14
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Cat flevers 16772 Limals 971649 7/12/14
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Doug Beachan 4951 Kora Dr. Uly 7-1249
JOE MUNDAY 16222 MONTENEYEN. 48. 92649 7/12/14
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THEN NEW MAKEN 15832 FJUMMINSBILD (4). DE 49 7/4/4

724 HOURS 7-11

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= Ali Hassan. 446/20statos AVE A.B. Think
ROBERT RONGSTAR 16421 Waterway Cir #D/9/13 7/11/14
Feras Almosan 4461 Los Potos Ave 79 11/14
Janus Hollis 16428 Cansons Cum Later 4878/4"
MARIA Villanuer 446/Lis Potos Dr. HB. 71/19
CCIFFORD MILES 16444 BOIST CHIED ST 57.29 43 VIEJET
Branden Ross 4901 Heil Aux DFZ 714-721-8357 7/14
James Fish 16262 Fairway In Jame Jus 7/14/14
James Fish 16262 tailways in Jame Jus 7/1/14 Eric Stone 17272 oswerik Ly Cost 3/1/14
DENISE GRIM , 16401 WATGRINGY CIV APT F HB 2111/14
Leama Holtzclan 16579 Pacado HB 7/12/14
Rothana Vanny 16579 pecido HB 7/12/14
Worma Bermudez 174717-6518410 7/12-14
Mellssa Hammonds 4901 Her ALE, 1849 HB 42/19 5/12/19
UIREYA C. YBYI HEN AU, APT. 18 7-11-14
Mallow Musines 1748 Hokins #157114
Jonathan Star 9902 Kong DR 7-12-14
Glorid Martin 5612 Fernhill aireil # 7/12/14
Beverly refform 16397 Del or o circle # 17/10/14
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John Quintary 3932 Finisterne DC 1/1/12/14
Land the 4461 Los Partos Ave # 1/2/M

724 HOURS 7-11

NAME ADDRESS SIEMEURE	======================================
Briana Villones H461 Las Rotas H1	3 7/12/14
Tox Gracia 48Al Hier.	4 /11/11
James Solis 4841 Helper Solis	<u> 1/12//4</u>
Belal Samara usur heil 45	7/12/14
I Spac Rich 4901 Heir the	7/12/14
Juint Glavan 16612 Regina Cr. Junat Cd	711111
1 Jona 4841 Heil Ave	7/12/14
Kevin Reynolds 4901 Heil Ave	
Braulo Hernandez 4841 Helf Ave-	712014
LEO PEPP SUSSINGUE BOH, CA STORY	<u> 1/13/14</u>
Jacob Gonzales 3873 Areba Cicle May	7/4/14
Scianna better MILTERANY CITY POLAGICAGE	光极上7/14/14
Kyan Kooker Kystah	711414
ESTEBIAN / EMILS SISSIFE! Attille	#:7/3//g
HUM DINA 4043 Hombold & DI	7/13/14
Chris be 14231 Chestrat Village Apt #5 Out do	7/13/14
Joen Alever Solo De	= V13/14
Jose Andres Ambres	4010
OT IN MININGOV DE	7/14/14
Mgel OUGEENZ 484/HG 1 Bueth	CH-3-7/14/14
Roberdo Martinera Conscho	7/13/14

24 HOURS 7-11

NAME ADDRESS SIGNITURE	
chris Bads 4941 Heil ave # 33 chan Bageline	7/13/14
Autorio Educ. 12015 Flowers 1. la	7-13/4
REGINA WILKERSON 4561 Heil Aut Gezin Will	7/13/14
	1) 13 14
1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	<u> </u>
Scott Foster 4852 Colone Dr. #100 Scot Son	<u>< 7/13/14</u> ,
12. KEE 4901 HERE KIND	
Daniel Lawrence 4901 Heil +13-25 Butt	113/4
Eduardo Herrera 16641 Blomton LN. #D	<u>7</u> 1/3/H
Michael Englebright 5211 Heil mie	7/13/14
Jakeo Tokilles 16481 waterway Car Jak	7/13/14
Christian Borres 5272 Colored de a	<u> 7/13/14</u>
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George E. Locke, M.D., F.A.C.S 16462 Barnstable Circle Huntington Beach, CA 92649

July 15, 2014

Ms. Jill Arabe

Mr. Ethan Edwards

2000 Main St

Huntington Beach, CA 92648

Dear Ms. Arabe and Mr. Edwards:

This is the statement I will be presenting on this Wednesday's hearing:

Good afternoon, my name is Dr. George E. Locke, I reside at 16462 Barnstable Circle Huntington Beach CA. I am a professor of Neurosurgery and retired Neurosurgeon from UCLA school of Medicine/Drew Medical for Los Angeles County.

This hearing was brought to my attention from a group of concerned neighbors whom I support wholeheartedly.

My concerns:

- We should think of the crime in the area a 24 hr 7-eleven store will bring to our prestigious neighborhood
- We already have 20 liquor licenses in a one mile radius we are an upscale neighborhood not a low income area where they have the same liquor stores in the same radius area
- My neighbors and I are against the duplicating of retail outlets since we have a convenience store in the adjacent shopping center
- This area has preferred independently owned shops as opposed to corporate
- My biggest problem is the obesity factor due to fast unhealthy foods being sold to children and the selling of alcohol.

These are a few but important concerns that I share with you. I am trusting that this City Council will make the right decision and not give a CUP to 7-eleven.

Thank you

George E. Locke, MD

Nabil (Bill) Jarjour 815 Indianapolis Ave Huntington Beach, CA 92648

RECEIVED

JUL 15 2014

Dept. of Planning
& Building

7/10/14

Huntington Beach City Council Attn: Jill Arabe, Ethan Edward, H B Police Chief Mr. Robert Handy 2000 Main Street Huntington Beach, CA 92648

Re: PROTEST AGAINST NEW 24 HOUR CONVENIENCE STORE BUILDING ON 16001 BOLSA CHICA ST HUNTINGTON BEACH

To whom it may concern:

My name is Nabil Jarjour. I have been a resident and own residential property and three businesses in Huntington Beach since 1989. My children grew up here and we all take great pride in being citizens of this city.

I am writing to you today to express my concern, along with hundreds of other residences of Northwest H.B., about the new construction plan of a 24-hour convenience store at the above stated address, specifically conditional use permit # 13-036. We have created a petition to address our opposition to the construction of a new building consisting of this 24-hour convenience store being built by MacArthur Group, LLC and Jeff Bergsma from Team Design. This petition will be presented to the City Council during the public hearing on 7/16/14.

We are concerned about the potential crime and noise pollution that a 24 hour hangout (e.g. 7-eleven) will attract to the quiet nature of the residential area surrounding Huntington Harbor, specifically the neighborhoods surrounding the intersection of Bolsa Chica and Edinger. Some may believe that having an outlet open 24-hours may deter criminals from taking any action; but after 40 years of experience as a convenience store owner I will tell you that this is absolutely false. Being open 24-hours definitely attracts unwanted behavior and transients. I have even cut my own store hours of operation not to be open passed midnight for fear of my business looking attractive to any type of unwanted passer-by that I have dealt with many times in the past, whether it is a robber, a drug dealer or drug addict, an alcoholic wanting to buy more alcohol or a minor wanting to buy alcohol or tobacco. A 24-hour facility only invites more of these undesirable individuals. One reason this is a potential hot spot for robberies is that on the 2 mile stretch traveling north on Bolsa Chica until the 22 freeway there are essentially no businesses, nor are there many cars traveling at night, making it a very easy getaway route.

We are concerned about the approval of an additional alcoholic beverage license in the neighborhood. Within a one mile radius from the property in question there are currently 24 off-premise alcohol licenses. This figure does not include on-premise or sit-down establishments such as bars or restaurants. In a one mile stretch starting at intersection of Bolsa Chica and Edinger (where the property is located) to the intersection of Warner and Bolsa Chica, there are five Liquor stores. We strongly feel that there should not be any more off-premise liquor licenses issued by the ABC or the City of Huntington Beach for fear that the image of the city and immediate vicinity of the proposed outlet will be tarnished and that the integrity of the neighborhood be jeopardized and diminished.

I respectfully request that the City of Huntington Beach address this decision before final action on the matter is made.

Kindest Regards,

Nabil (Bill) Jarjour

714.350-6759

Arabe, Jill

From:

Arabe, Jill

Sent: To: Monday, July 14, 2014 3:38 PM Jeff Bergsma; Tristan Harris

Subject:

public comment - 16001 Bolsa Chica

FYI - See public comment below

----Original Message----

From: Julie Snedeker [mailto:jasorangecounty@yahoo.com]

Sent: Monday, July 14, 2014 12:32 PM

To: Planning Commission

Subject: Fw: Proposed 7-11 Store at Edinger and Bolsa Chica

Good Afternoon:

I am not certain if you are the appropriate department to address this issue, however I was just recently informed by one of my neighbors that a hearing is scheduled for this Wednesday, July 16, at $1:30~\rm pm$

to discuss a tentative site at the corner of Bolsa Chica and Edinger streets for another 7-11 (or similar) convenience store.

I, along with quite a few of my neighbors are very opposed to this proposal. We have a relatively safe and quiet

neighborhood and would like to keep it that way. We do not want to watch our home values go down due to negative

activity in the neighborhood with another entity selling alcohol that is OPEN 24 HOURS A DAY.

There are THREE 7-11 convenience stores already located within a two mile radius of this site, so do we really need ANOTHER one? There

is one at Edinger/Springdale, one on Warner just east of Bolsa Chica, and one at Bolsa Chica and Westminster.

There is also a convenience store (the Liquor Market) already located in that center, as well as one across the street (Extra Mile

Market) at the Chevron gas station and another convenience store (Tequila Fields) located approximately two blocks south on Bolsa Chica.

This center is comprised mostly of small privately owned business with the exception of Subway and Carl's Jr. It

would be better suited to have another small food establishment or other entity at that location with reasonable operating hours.

Most of the businesses in that area close by midnight each day which keeps the neighborhood free from "trouble" that happens

late at night. A business that sells alcohol and that is open 24 hours a day is just going to create problems in the area, as nobody needs a "convenience store" at all hours. If there

is something that a person must have later than that, the Walgreen's at the corner of Bolsa Chica and Warner is open 24 hours a day.

That corner already has major traffic issues as well. Edinger is the main street that people use to take their boats to and from the harbor. At that corner (where the business